

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HR- 10558
(Inmate Number)

RONALD W. TELEPO, JR.
(Name of Plaintiff)

P.O. Box 1000 HOUTZDALE PA 16698
(Address of Plaintiff)

SCI. HOUTZDALE

vs.

THE COUNTY OF MONROE, MONROE

COUNTY CORRECTIONAL CENTER AND

JOHN DOE WARDEN IN THEIR INDIVIDUAL
(Names of Defendants)

AND OFFICIAL CAPACITIES.

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

TELEPO V. MARTIN, ET AL.

CASE NO. 3:08-CV-02132 2008

MAGISTRATE JUDGE MANNION

HONORABLE JUDGE JAMES MUNLEY.

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☐ Yes ☒ No

If your answer is no, explain why not THIS IS A COMPLAINT IN REGARDS

TO CONDITIONS AT THE MONROE COUNTY JAIL.

- C. Is the grievance process completed? ☐ Yes ☐ No

COMPLAINT

FILED
SCRANTON

AUG 20 2009

PER [Signature]
DEPUTY CLERK

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant JOHN DOE, WARDEN is employed
as WARDEN at MONROE COUNTY CORRECTIONAL CENTER
- B. Additional defendants THE COUNTY OF MONROE AS A MUNICIPALITY,
MONROE COUNTY CORRECTIONAL CENTER
THE MONROE COUNTY CORRECTIONAL CENTER IS LOCATED
IN SNYDERVILLE, PA.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. ON THE DATES FROM APRIL 11, 2008 TO AUGUST 5, 2008 I WAS
AN INMATE AT THE MONROE COUNTY JAIL. I WAS BEING HELD
ON THE FOLLOWING CRIMINAL CHARGES: THEFT BY UNLAW
TAKING - MOVABLE PROP 18 SECTION 3921 A (MISDEMEANOR) AND CRIM'L
MISCHIEF - TAMPER W/PROPERTY 18 SECTION 3304 A2 (SUMMARY OFFENSE).
2. (SEE ATTACHED EXHIBIT) ON JUNE 2, 2008 I WAS ILLEGALLY STRIP SEARCHED.
- A). THE DEFENDANT, JOHN DOE WARDEN, ACTING UNDER COLOR OF
STATE LAW CONDUCTS A POLICY AT THE MONROE COUNTY JAIL
WHERE ALL INMATES ARE FORCED TO BE STRIP SEARCHED
AND HAVE VISUAL BODY CAVITY SEARCHES DONE WHILE BEING
MOVED FROM AN INTAKE BLOCK TO A GENERAL HOUSING BLOCK
WITHIN THE JAIL. THIS IS DONE TO ALL INMATES, REGARDLESS
OF CHARGES OR ANY REASONABLE SUSPICION OF CONTRABAND.
THIS CUSTOM ADOPTED BY THE WARDEN REFLECTS A DELIBERATE
INTENTIONAL INDIFFERENCE TO THE CONSTITUTIONAL RIGHTS OF
INMATES.

PAGE 2 STATEMENT OF CLAIM

THESE STRIP SEARCHES ARE BEING CONDUCTED ON PRE-TRIAL AS WELL AS SENTENCED INMATES.

B) THE COUNTY OF MONROE AND THE MONROE COUNTY CORRECTIONAL FACILITY ARE RESPONSIBLE FOR THE INACTION OF AN ILLEGAL POLICY. THIS COMPLAINT SHOWS A CLEAR AND PERSISTENT PATTERN OF ILLEGAL BODY CAVITY SEARCHES, THE COUNTY OF MONROE'S TACIT APPROVAL OF THIS UNCONSTITUTIONAL CONDUCT AND A DELIBERATE INDIFFERENCE IN THEIR FAILURE TO ACT WHICH AMOUNTS TO AN OFFICIAL POLICY OF INACTION. THIS CUSTOM IS THE MOVING FORCE AND DIRECT LINK IN THIS CONSTITUTIONAL DEPRIVATION.

C) THE WARDEN AND HIS STAFF HAVE AUTHORIZED, APPROVED AND KNOWINGLY ACQUIESCED IN THESE UNCONSTITUTIONAL BODY CAVITY SEARCHES BEING CONDUCTED. ALL INMATES ARE FORCED TO THESE BODY CAVITY SEARCHES, REGARDLESS OF THE NATURE OF THE CHARGES.

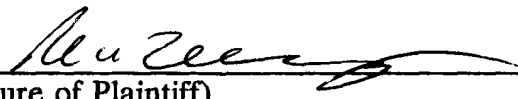
D) THE PLAINTIFF ALLEGES VIOLATIONS OF HIS FOURTH AMENDMENT RIGHTS UNDER THE UNITED STATES AND PENNSYLVANIA CONSTITUTIONS.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)


1. A DECLARATION THAT THE ACTS AND OMISSIONS
DESCRIBED HEREIN VIOLATED PLAINTIFFS RIGHT UNDER THE
LAWS AND CONSTITUTION OF THE UNITED STATES.
2. AWARD COMPENSATORY DAMAGES OF \$25,000 DOLLARS AGAINST
EACH DEFENDANT, JOINTLY AND SEVERALLY.
AWARD PUNITIVE DAMAGES OF \$50,000 DOLLARS AGAINST
EACH DEFENDANT, JOINTLY AND SEVERALLY.
3. A PERMANENT INJUNCTION ORDERING DEFENDANTS TO STOP
THESE BODY CAVITY SEARCHES ON INMATES WITH MINOR
OFFENSES AND WITHOUT REASONABLE SUSPICION OF CONTRABANDS.
4. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.
5. PLAINTIFFS COSTS IN THIS SUIT.

Signed this 15 day of AUGUST, 2009.


(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

8/15/09
(Date)


(Signature of Plaintiff)

COURT OF COMMON PLEAS OF MONROE COUNTY**DOCKET**

Docket Number: CP-45-CR-0000363-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Ronald Wayne Telepo

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CONFINEMENT INFORMATION

<u>Confinement</u> <u>Known As Of</u>	<u>Confinement</u> <u>Type</u>	<u>Destination</u> <u>Location</u>	<u>Confinement</u> <u>Reason</u>	<u>Still in</u> <u>Custody</u>
09/26/2006	County Jail	Northampton County Prison		No
09/29/2006	County Jail	Monroe County Prison		No
01/06/2009	DOC Confined	SCI Houtzdale		Yes

DEFENDANT INFORMATION

Date Of Birth: 02/04/1974 City/State/Zip: Hellertown, PA 18055-0000

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Telepo, Ronald Wayne

BAIL INFORMATION

Telepo, Ronald Wayne

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	03/11/2005	Unsecured		\$10,000.00	Posted	03/11/2005

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense</u> <u>Date</u>	<u>OTN</u>
1	2	M1	18 § 3921 §§A	Theft By Unlaw Taking-Movable Prop	07/19/2003	H7767546
2	3	S	18 § 3304 §§A2	Crim'l Misch-Tamper W/Property	07/19/2003	H7767546

"EXHIBIT A"

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS COMPLAINT
UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or**
- 2) the average monthly balance in your prison account for the past six months.**

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. ____

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. X

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

RONALD W. TELEPO, JR. HR6558

SCI HOUTZOG

P.O. Box 1000

HOUTZOG, PA 16698

RECEIVED
SCRANTON

AUG 20 2009

PER

DEPUTY CLERK

NO FEE

ENCLOSED

-EP

MARY O'ANDREA PROTHONOTARY

CLERKS OFFICE

U.S. DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PA

235 NORTH WASHINGTON AVE.

P.O. Box 1148

Scranton, PA 18501-1148

PA Dept of Corrections
Inmate Mail

